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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2046

MARIA L. MARTIN  
355 Garfield Avenue  
Pomona, CA 91767

**A C C U S A T I O N**

Respiratory Care Practitioner License No. 907

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about April 19, 1985, the Respiratory Care Board issued Respiratory Care Practitioner License Number 907 to Maria L. Martin (Respondent). The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2007, unless renewed.

JURISDICTION

3. This Accusation is brought before the Respiratory Care Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section

references are to the Business and Professions Code unless otherwise indicated.

4. Section 3710 of the Code states: “The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.”

6. Section 820 of the Code states:

“Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.”

## COST RECOVERY

7. Section 3753.5, subdivision (a) of the Code states:

"In any order issued in resolution of a disciplinary proceeding before the board, the board or the administrative law judge may direct any practitioner or applicant found to have committed a violation or violations of law to pay to the board a sum not to exceed the costs of the investigation and prosecution of the case."

8. Section 3753.7 of the Code states:

"For purposes of the Respiratory Care Practice Act, costs of prosecution shall include attorney general or other prosecuting attorney fees, expert witness fees, and other administrative, filing, and service fees."

9. Section 3753.1 of the Code states:

"(a) An administrative disciplinary decision imposing terms of probation may include, among other things, a requirement that the licensee-probationer pay the monetary costs associated with monitoring the probation. "

1 FIRST CAUSE FOR DISCIPLINE

2 (Illness Affecting Respondent's Ability to Practice Medicine Safely)

3 7. Respondent has been diagnosed with an illness which interferes with her  
4 ability to practice medicine safely.

5 8. This illness provides a basis for revocation of her respiratory care  
6 practitioner's license pursuant to section 820.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
9 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

10 1. Revoking or suspending Respiratory Care Practitioner License Number  
11 907, issued to Maria L. Martin.

12 2. Ordering Maria L. Martin to pay the Respiratory Care Board the costs of  
13 the investigation and enforcement of this case, and if placed on probation, the costs of probation  
14 monitoring;

15 3. Taking such other and further action as deemed necessary and proper.  
16

17 DATED: January 18, 2007  
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20 Original signed by Liane Zimmerman for:  
21 STEPHANIE NUNEZ  
22 Executive Officer  
23 Respiratory Care Board of California  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
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